

## GOVERNMENT OF TELANGANA

### ABSTRACT

A.P. Reorganisation Act, 2014 – Tentative Allocation lists of State cadre employees – Admitting the employees working in one state tentatively allocated to the other State – Objections raised against Smt. M. Padmavathi, P.S. to Secretary to Government –Relieving orders–Issued

### FINANCE (OP.I) DEPARTMENT

**G.O.Rt.No.3309**

**Dated:06.11.2015**

**Read the following:**

- 1.Guidelines relating to allocation of State Service Employees Communicated in G.O.Ms.No.312, General Administration (SR) Department, dt.30.10.2014.
- 2.From the Department of Personnel and Training, Ministry of Personnel, Public Grievances & pensions, Government of India, New Delhi, F.No.27/13/2013-SRS, dated.01-01-2015.
- 3.Notification No.21820/SR-I/A1/2014, G.A. (SR) Dept., dt.04-07-2015.
- 4.Circular Memo.No.7144/SR.I/A1/2015-1, GA (SR) Dept., dt.16-07-2015
- 5.Circular Memo.No.19184/SR.I/A1/2015-9, GA (SR) Dept., dt.17-07-2015
- 6.Lr.No.21820/SR1/A1/2014,General Administration (SR) Department, dt.20-07-2015.
- 7.G.O.Ms.No.93, Finance (OP.I) Department, GoAP, dated.30-07-2015.
- 8.Joining report of Smt. M. Padmavathi, P.S. to Secretary to Government, Finance Department, GoAP, dated.31-07-2015.
- 9.O.O.Rt.No.827, Finance (OP.I) Department, dated.04-08-2015.
- 10.Circular Memo.No.7144/SR.I/A1/2015-1, dt.27-08-2015 of General Administration (SR) Department of AP and TS.
- 11.Letter received from the President, Telangana Secretariat Association, dt.28-08-2015
- 12.Representation of Sri J. Vinod Kumar, Assistant Section Officer and others of Finance Dept., dated.29-08-2015.
- 13.Representation of Smt. M. Padmavathi, P.S. to Secretary to Government, Finance Department, dated.13-10-2015.

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### **ORDER:**

In terms of Section 80 of A.P. Reorganization Act, 2014, the Government of India have issued guidelines for allocation of State Cadre employees (other than AIS Officers) vide F.No.27/13/2013-SRS, Government of India, Ministry of Personnel, P.G. & Pensions, Department of Personnel & Training, dated.29<sup>th</sup> Oct, 2014.

**2.** Based on the above guidelines, options were obtained from the employees of both the successor States in Finance Department. Smt. M. Padmavathi, who was working as Private Secretary to Secretary to Government in the Finance Department of the composite A.P. State as on 02.06.2014 who is local to Andhra Pradesh opted to Telangana.

**3.** The Advisory Committee vide reference third read above as per her Seniority in the cadre of Private Secretary to Secretary to Government have allotted Smt. M. Padmavathi, P.S. to Secretary to Government, Finance Department, Government of A.P. to Telangana among other employees by giving 14 days timefor filing of objections/representations in reorganizational portal (through online) by the employees aggrieved by this tentative allocation.

**4.** Inthe reference fourth read above, the General Administration (SR) Department of A.P. and Telangana while communicating the list of tentatively allocated employees issued instructions while referring the Gol letter F.No.27/13/2013-SRS, dated.01-01-2015 on the following categories, to the effect that **they are not to be relieved** till final allocation orders are issued by Government of India;

- a. The tentatively allotted employee who is aggrieved by his/her tentative allotment and represented within the prescribed period of two weeks from the date of publication of notification against his/her tentative allocation.
- b. The tentatively allotted employee against whom there are objections made within the prescribed period from the date of publication of notification on his/her tentative allotment.
- c. Only those representations/objections received within the prescribed period of two weeks from the date of publication of the notification to be considered and in respect of the above two categories, of cases for withholding the relief of the tentatively allotted employees.

**(P.T.O)**

**5.** In the reference fifth read above, the General Administration (SR) Department have issued certain instructions to record the views in the portal within 5 days from the last date for submitting representations by the employees to the notification concerning their department, where the date of 5 days is over, the remarks of the HoD should be entered in the portal within 5 days from the date of issue of the Memo.

**6.** In the reference sixth read above, the General Administration (SR) Department while enclosing the tentative allocation list of employees and the details of representations received against tentative allocation, requested to take immediate necessary action for issuing individual orders relieving those employees working in one State tentatively allotted to the other State as per the directions of Government of India vide letter.F.No.27/13/2013-SRS, dated.01-01-2015.

**7.** Aggrieved by the above allotment in respect of Smt. M. Padmavathi, P.S. to Secretary to Government, Finance Department, Government of AP to Telangana State. Sri V. Srihari, P.S. to Secretary to Government, Telangana Finance Department has represented that he is a local candidate of Telangana State occurring at Sl.No.4 of P.S. category in the tentative allocation list in the State Cadre Employees of Finance Department. The allocation of Smt. M. Padmvathi who is a non-local to Telangana but opted to Telangana State is shown in the tentative Seniority list over his name, which is not in accordance with the Guidelines, there by denying his promotional and Service related benefits/avenues which are very meagre in the P.S. category and therefore he has requested to place her name above the non-local candidate as per the guidelines at para 18 (f) and the seniority of United Andhra Pradesh is not to be taken. Further, he has pointed out that Smt. M. Padmavathi, P.S. to Secretary to Government, by virtue of her nativity and studies belongs to A.P., but taking advantage of guidelines, given option to Telangana just to block the opportunities to the local candidates. He has therefore requested to do justice. In addition to above representation, three more employees of Finance Department have also submitted the objections through online against her allotment to Finance Department, Telangana.

**8.** In the reference tenth read above, G.A. (SR) Department have issued instructions to all the departments of Secretariat and HoDs of both the states of A.P. and Telangana not to admit such tentatively allotted employee who are relieved contrary to the instructions/clarifications issued in the circular memo fourth read above and also requested to send such employee back to the State from where he/she is relieved.

**9.** However, based on the tentative allotment, Smt. M. Padmavathi, P.S. to Secretary to Government along with 32 other individuals of Finance Department, GoAP were relieved to Finance Department, Government of Telangana vide G.O.Ms.No.93, dated.30-07-2015. Based on the above orders Smt. M. Padmavathi, P.S. to Secretary to Government, Finance Department, GoAP has reported to duty on 01-08-2015 and admitted to duty and issued posting orders in Finance Department, Government of Telangana vide O.O.Rt.No.827, Finance (OP.I) Department, dated.04-08-2015.

**10.** Meanwhile, Telangana Secretariat Association through its letter dated.28-08-2015 and the Staff of Telangana Finance Secretariat through their representation dated.29-08-2015 raised objections on admitting Smt. M. Padmavathi, P.S. to Secretary to Government into Telangana Finance Secretariat.

**11.** The objections raised as above are examined with reference to the following points.

<b>Sl. No.</b>	<b>Points</b>	<b>Clarification</b>
1.	When the tentative allotment was made by the Kamalnathan Committee	Tentative allotment was made by Kamalnathan Committee vide Notification.no.21820/SR/A1/2014, General Administration (SR) Department, dated.04-07-2015.
2	When the objections were filed against the tentative allotment	The Representations/objections were filed by the employees of Finance Department of GoAP&GoT within the time limit as per above circular Memo. (i.e. 14 days)
3	Whether the Kamalnathan Committee considered the objections filed or not.	Kamalnathan Committee has not examined the objections/ Representations so far.
4	Are there any objections filed against the other 33 employees sent to GoT by GoAP	Except against Smt. M. Padmavathi, P.S. to Government of Finance Department, GoAP, there are no objections against the remaining employees allotted by GOAP to GoT.

**12.** With the above objections, the G.A. (SR) Department was consulted in the matter and they have advised to take action as per the instructions issued in Circular Memo.7144/SR.I/A1/15-2, dated.27-08-2015 at para (3) of the Memo.

**13.** As the matter stands thus, in the reference 13<sup>th</sup> read above, Smt. M. Padmavathi, P.S. to Secretary to Government has stated that she has approached the officials of Finance Dept., Govt., of Andhra Pradesh from where she has been relieved to ascertain, according to what procedure or rule she has been relieved at that time from Finance Department, Government of Andhra Pradesh. She has further stated that officials concerned of Telangana Finance Dept., had informed her that the objections made against her were invalid and irrelevant and were taken care by both the Governments in Finance Depts., and was put forth before the State Reorganization Committee and after clearance of the Committee only, she was finally allotted and relieved to join in Telangana Finance Dept. She also stated that when she has further contacted the official concerned of Finance Department, Telangana on 30<sup>th</sup> July, 2015 i.e., one day before she got relieved from Finance Dept., Govt., of A.P., she had been informed the same thing over telephone, that those objections were rejected by them and this position was also informed to the State Reorganization Committee.

**14.** Smt. M. Padmavathi, P.S. to Secretary to Government has further stated that, she came to know that a file is moved by Telangana Finance Department, in terms of para No. 3 of Circular Memo No.7144/SRI/A1/2015-2 dt.27.08.2015 which was issued after 27 days after her joining in Finance Dept., The said Circular is not applicable to her since she has already joined in the present State and drawn salary for the month of August & September, 2015 and her name was considered and kept in DPC for further consideration but whereas the Memo in question was issued on 27<sup>th</sup> August, 2015. She further stated that any order or Circular or notification issued by the Govt., will be having prospective effect and not retrospective effect unless it is particularly mentioned in the order.

**15.** Further she has informed that, she is facing so much mental agony being with egoistic attitude of some particular persons who are agitating on her allocation with false presumption that their promotional avenues are effected which is totally baseless and far from truth and making her run from pillar to post. Therefore, she has requested the benign Special Chief Secretary, Finance Dept., to allow her to work in Telangana Finance Dept., which was done inaccordance with the guidelines prescribed by the Govt., of India and Advisory Committee headed by Sri C R Kamalnathan, IAS (Retd) which is known for making allotments in the true spirit of the guidelines with utmost transparency. Also her allotment was made to Telangana State after giving due cognizance to the objections and after treating them as invalid and after considering her option and as per her seniority. She has therefore requested the Officers concerned to circulate the file to State Reorganization Committee from where she had got allocated to the Telangana Finance Department& Finance Dept., Govt., of Andhra Pradesh from where she had been relieved, for their remarks and for taking further necessary action.

**16.** Government carefully examined the objections raised in the representations of Telangana Secretariat Association and the staff of Telangana Finance Department vis-a-vis the points raised by Smt. M. Padmavathi, P.S. to Secretary to Government. The guidelines for allocation of employees have been framed in consonance with the covenants of A.P., Re-organization Act of 2014. The guidelines clearly spell out that when the objections are raised against a particular employee to be relieved, such employee should not be relieved till the objections are disposed by the Government of India in the final allotment. Only, Government of India orders are reflected in the Government Circular Memo 10<sup>th</sup> read above. These orders of Government of India are in existence with effect from 02-06-2014. But not newly framed. Therefore the contention of Smt. M. Padmvathi, P.S. to Secretary to Government that the instructions in the above mentioned Government Memos are issued subsequent to her relief are not valid. The Finance Department has overlooked the objections & acted contrary to guidelines in relieving her despite the objections raised against Smt. M. Padmavathi, P.S. to Secretary to Government. Further, final allocation is not yet completed. Till such time, the Government instructions are clear that a person against whom the objections are filed, should not be relieved. Further, it is not correct to refer the file to Kamalnathan Committee as the instructions in the Government Memos were issued only after obtaining the opinion of Committee. Since, objections are pending against Smt. M. Padmavathi, P.S. to Secretary to Government she has to continue in the State of Andhra Pradesh till a decision is taken by the Government of India on the objections in the final allocation.

**17.** The contention of Smt. M. Padmavathi, P.S. to Secretary to Government and the points raised by her are therefore not valid. Accordingly, Government, decided to relieve her immediately with instructions to report in Finance Department, Government of Andhra Pradesh, as an interim measure, till final allocation orders are issued by Government of India.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)**

**K. RAMAKRISHNA RAO**  
**SECRETARY TO GOVERNMENT (IF)**

To  
Smt. M. Padmavathi, P.S. to Secretary to Government,  
H.No.MIG-II, 706, K.P.H.B. Colony, Kukatpally, Hyderabad – 500 072.  
The Principal Secretary/Secretary to Government (OP),  
Finance Department, Government of Andhra Pradesh, Hyderabad.

**Copy to:-**

P.Ss to Special Chief Secretary/Secretary (Finance)/Secretary (IF).  
The President, Telangana Secretariat Association.  
The General Administration (SR) Department, Telangana Secretariat, Hyderabad.  
The General Administration (SR) Department, A.P., Secretariat, Hyderabad.  
Finance (FC-Claims) Department.  
The Deputy Pay & Accounts Officer, Hyderabad.  
SF/SC's.

**//FORWARDED::BY ORDER//**

**SECTION OFFICER**